

## ARTICLE 2 DEFINITIONS

### 200 GENERAL

For the purpose of this Code, certain words, phrases and terms used shall have the meaning assigned to them by this Section.

When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; and those in the plural number include the singular. The word "shall" is mandatory; the word "may" is permissive.

### 201 DEFINITIONS

1. **Abandonment and Discontinuance** means a situation in which a nonconforming use has been discontinued or changed to a conforming use subsequent to the effective date of this Code, or any amendment hereto, for a consecutive period of one hundred eighty (180) days.
2. **Abutting** means having a common border with, or being separated from such a common border by a right-of-way, alley or easement.
3. **Access or Access Way** means the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress/egress to a property or use as required by this Code.
4. **Accessory Building** see Building.
5. **Accessory Living Quarters** (See Guest House).
6. **Accessory Use** means a use conducted on the same lot as the primary use of the structure to which it is related and which is clearly incidental to and customarily found in connection with, such primary use.
7. **Acre** means an area of real property equal to forty three thousand five hundred sixty (43,560) square feet.
8. **Acreage, Gross** means the total area measured to the property lines of the parcel or lot.
9. **Acreage, Net** means the area measured to the property lines of the parcel or lot after all deductions are made. Deductions include the area of: streets, easements for access, and street dedications.

10. **ADEQ** means the Arizona Department of Environmental Quality.

11. **Administrative Waiver** means a modification made in the application of a specific regulation of this Code to a particular property or development, providing that the modification differs by twenty five percent (25%) or less from a specific regulation. An administrative waiver may be granted in order to remedy a disparity in privileges resulting from special circumstances applicable to a particular property or development that deprive it of privileges commonly enjoyed by other properties in the same vicinity and zoning district.

12. **Adult Entertainment**: This definition includes the following terms and definitions:

**Adult bookstore** shall mean any commercial establishment having as a substantial or significant portion of it's stock in trade books, magazines, other periodicals, motion pictures, or video cassettes, video disks or other similar means of visual communication which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**Adult live entertainment establishment** shall mean any commercial establishment which provides any of the following entertainment or services during any part of more than two (2) calendar days within a ninety (90) day period:

1. Any dancing, such as bottomless or topless, striptease, go-go, flash, exotic dancers, or any similar performance where the dancer's clothing does not completely and opaquely cover "specified anatomic areas" as defined herein.
2. Any modeling, wrestling, sports performance or service or retail activity where the clothing of the participants does not completely and opaquely cover "specified anatomical areas" as defined herein.

**Adult novelty store** shall mean any commercial establishment having as a substantial or significant portion of it s stock in trade instruments, devices or paraphernalia which are designed for use in

connection with “specified sexual activities” excluding condoms and other birth control and disease prevention products.

**Adult theater** shall mean any commercial establishment regularly used for presenting for observation by patrons therein any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition, or films, glass slides or transparencies, either in negative or positive form, and which is designed for exhibition by projection on a screen, or in any type of viewing booth or any other visual presentation, including supportive audio or other sensory communication media, which projects images by electronic, mechanical or similar means which may be viewed by patrons alone or in groups of two (2) or more which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

**Adult uses** means any adult bookstore, adult live entertainment establishment, adult novelty store, or adult theater.

**School** shall mean any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

**School, elementary and secondary** shall mean a public or private school providing primary and secondary education for grades kindergarten through twelve, such as elementary, middle, junior high and high schools.

**School, instructional** shall mean a public or private school providing domestic, recreational and other types of instruction, such as dance, gymnastics, cooking, music, martial arts and handicrafts.

**School, vocational** shall mean a school primarily teaching useable skills that prepare students for jobs in a trade or occupation.

**Specified anatomical areas** means human genitals, pubic hair, vulva, mons veneris, anus, cleft of the buttocks, female breasts below the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities** means actual or simulated sexual intercourse, masturbation, fellatio, cunnilingus, sodomy, flagellation, bestiality, fondling or touch of human genitals, pubic region, buttocks or the female breast, or any combination of the foregoing.

13. **Air Rights** means a fee interest in a three-dimensional air space in relation to specified real property (Condominium).
14. **Airport** means any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.
15. **Alteration** means any change, addition or modification in construction, occupancy or use. Alteration also means any modification which causes change to the natural or man-made environment, including, but not limited to, changes to the topography, vegetation, or other natural or man-made conditions.
16. **Amusement Arcade** means an establishment offering five (5) or more amusement devices including, but not limited to, coin-operated electronic games, shooting gallery, table games and similar recreational diversions within an enclosed building.
17. **Animal Hospital** means a place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Kennels shall be incidental only to such hospital use.
18. **Antique** means any work of art, piece of furniture, decorative object, clothing or the like, created or produced in a former period.
19. **Apartment** means a suite of rooms, with or without cooking facilities, used for living purposes. Each such suite of rooms having cooking facilities shall constitute a dwelling unit.
20. **Apartment House** means any building or portion of it which contains three (3) or more dwelling units and, for the purpose of this Code, includes residential condominiums.
21. **Architect** means an individual registered in the State of Arizona to practice in the field of architecture.

22. **Arterial** see Street.
23. **As-Graded** means the surface conditions extant on completion of grading.
24. **Attached Building** see Building.
25. **Automotive Repair, General** means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, upholstery, muffler, transmission works and major engine and engine part overhaul.
26. **Automotive Repair, Minor** means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication and tune ups, provided it is conducted within a completely enclosed building.
27. **Automotive Self-Service Station** means a lot or portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a free-standing, automatic car wash.
28. **Automobile Service Station** means a lot or portion of a lot used for the servicing of motor vehicles. Such servicing may include retail sale of motor fuel and oils, lubrication, incidental car washing, waxing and polishing, sale and service of tires, tubes, batteries, service of auto accessories, and may include a free-standing automatic car wash. Such servicing shall not include tire recapping, sale of major auto accessories, wheel repair or parts, sale or rebuilding of engines, battery manufacturing or rebuilding, radiator repair or steam cleaning, body repair, painting, upholstery or installation of auto glass. Service, inspections and minor repairs are considered accessory to the sale of such fuel and lubricants.
29. **Awning** means a shelter or cover projecting from and supported by an exterior wall of a building.
30. **Base Flood** means a flood having a one percent (1%) chance of occurrence in any given year.
31. **Base Flood Elevation** means the surface elevation of the base flood through a drainageway or floodplain. Where super critical flow exists, the critical depth shall be considered the depth of flow for the drainageway or floodplain.
32. **Bed and Breakfast Establishment** means a residence in which the owners serve breakfasts and provide lodging to guests, for compensation. A guest unit shall be defined as one (1) room having no kitchen facilities.
33. **Bed and Breakfast Inn** see Bed and Breakfast Establishment.
34. **Bedrock** means in-place solid rock.
35. **Bench** means a relatively level step excavated into earth material, or created by deposition of fill.
36. **Block** means a piece or parcel of land or a group of lots entirely surrounded by public rights-of-way, streams, public lands, parks and jurisdictional boundaries or any combination thereof.
37. **Board** means the Board of Adjustment of the City of Sedona.
38. **Boarding House** means a dwelling for residential occupancy containing not more than five (5) guest rooms, where lodging is provided with or without meals, for compensation for periods of thirty (30) consecutive days or more.
39. **Borrow** means earth material acquired from an off-site location for use in grading on a site.
40. **Breezeway** means a roofed passageway, open on at least two (2) sides, connecting the main structure on a site with another main structure or accessory use on the same site.
41. **Building** means a structure having a roof supported by columns or walls.
42. **Building (Accessory)** means a subordinate building, attached or detached from the principal building, containing an accessory use.
43. **Building (Attached)** means a building which has at least part of a wall in common with another building or which is connected to another building by a roof which exceeds six (6) feet opposite open ends (*see Figure 2.1*).

44. **Building (Closed)** means a building completely enclosed by a roof, walls and doors on all sides facing the perimeter of a lot.
45. **Building Code** means the Building Code adopted by the City.
46. **Building (Community)** means a public or quasi-public building used for community activities of an educational, recreational or public service nature.
47. **Building (Detached)** means a building which is separated from another building or buildings on the same lot, and which is connected only with a roof not more than six (6) feet wide with opposite open ends (*See Figure 2.1*)
48. **Building (Factory Built)** means a residential or non-residential building including a dwelling unit or habitable room which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined in this Article (*See Manufactured Home, Mobile Home, Recreational Vehicle*).
49. **Building footprint** means the floor area enclosed within the exterior sides of continuous perimeter foundation walls of a building or structure, excluding covered decks or patios. (*Adopted March 8, 2004*)
50. **Building Frontage** means the side of a building which contains the main entrance for pedestrian ingress/egress. If more than one main entrance exists, the one that more nearly faces or is oriented

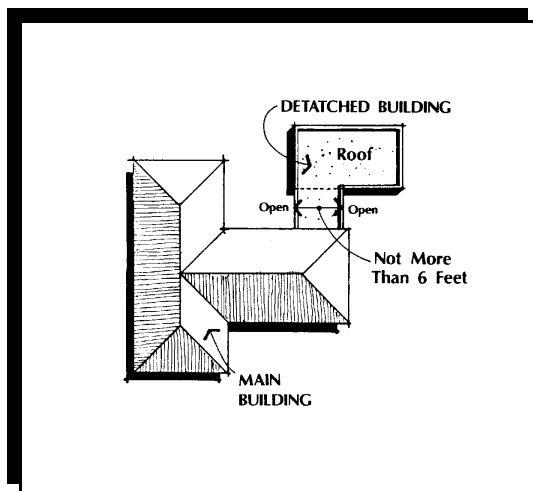


Figure 2.1

to the street of highest classification, as set forth in the Circulation/Transportation Element of the Sedona Community Plan, shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest linear dimension containing a main entrance shall be considered the building frontage.

51. **Building, Main or Principal** means the building or buildings in which the principal use of the site is conducted. In a residential district, any dwelling shall be the main or principal building of the lot on which the dwelling is situated.
52. **Building Pad** means one or more specified areas of a lot or parcel prepared and graded for the erection of structures, or on which structures already exist (*See Figure 2.2*).

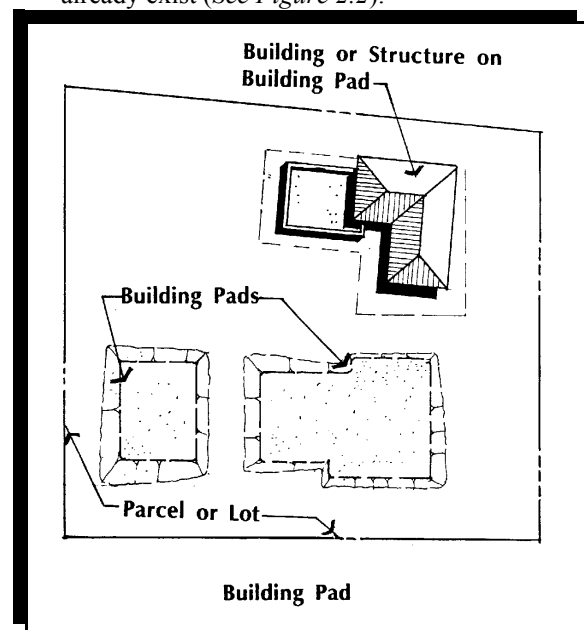


Figure 2.2

53. **Building Permit** means a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the City.
54. **Building Setback Line** means the minimum distance prescribed by this Code between any property line and the closest point of the foundation or any supporting post or pillar of any related building or structure (*See Figures following definition for Lot*).
55. **Building Site** means a legally created parcel or contiguous parcels of land in single or joint

- ownership which provide the area and the open space required by this Code, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner. Private easements providing access to four (4) or fewer parcels shall not be deducted from the building site area.
56. **Building, Temporary** means a building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities or other community facilities or used temporarily in conjunction with the sale of property within a subdivision under construction.
57. **Business or Financial Services** mean an establishment intended for the conduct of service or administration by a commercial enterprise or offices for the conduct of professional or business service.
58. **Cabana** means any portable, de-mountable room or enclosure or a building or structure erected, constructed or placed on a mobile home space and used in conjunction with a mobile home.
59. **Caliper** means the diameter of a tree trunk or the cumulative diameter of multiple trunks measured six (6) inches above natural grade.
60. **Campground** means public and quasi-public open space areas, with or without sanitation facilities or water, for overnight camping. Campground may also include the overnight parking of recreational vehicles.
61. **Canopy** means a roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy, placed to extend outward from the building to provide a protective shield for doors, windows and other openings.
62. **Carport** means a permanent roofed structure or a portion of a main structure with not more than two (2) enclosed sides used or intended to be used for automobile storage for the occupants of the premises.
63. **Certification** means a written engineering or geological opinion concerning the progress and completion of work.
64. **Cemetery (Memorial Park)** means a perpetual care, landscaped cemetery in which all grave and plot markers must be flush with the ground grade.
65. **Cemetery** means land used or intended to be used for the burial of the dead and dedicated for such purposes and includes columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.
66. **City** means the City of Sedona.
67. **Civil Engineer** means a professional engineer registered in the State of Arizona to practice in the branch of civil engineering.
68. **City Engineer** means the City Engineer and head of the City of Sedona Public Works/Engineering Department.
69. **Clerical Error** means a mistake in writing or copying, or a drafting error.
70. **Clinic** means a place for medical services to human patients. It shall not include the overnight housing of human patients.
71. **Cluster Housing or Cluster Development** means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.
72. **Club** means an association of persons (whether or not incorporated) for a common purpose, but not including groups organized only or primarily to render a service as a business for profit.
73. **Code (this)** means the City of Sedona Land Development Code.
74. **Code Enforcement Officer** means the Zoning Administrator and any other member of the Department of Community Development whom he or she designates, in writing, to enforce this Code.
75. **Commercial Retail Sales and Services** mean establishments which engage in the sale of general retail goods and accessory services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed

structure (with the exception of occasional outdoor "sidewalk" promotions).

- 76. **Commercial School and/or Trade School** means a school established to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).
- 77. **Commission** means the Planning and Zoning Commission of the City.
- 78. **Committee** means the Project Review Committee, as described in Section 307.
- 79. **Community Plan (or Sedona Community Plan)** means the declaration of visions, purposes, goals, objectives, policies, programs and desired land uses for the development of the City. The Community Plan is the General Plan for the City of Sedona.
- 80. **Compaction** means the densification to acceptable standards of a fill by mechanical means.
- 81. **Conceptual Site Plan** means a plan or map that conceptually illustrates the development proposal for the subject property, including (but not limited to) building footprints and square footage, proposed uses, landscape areas and buffers, plazas, pedestrian and vehicular circulation, parking, site access, service areas, and the identification of potentially sensitive design issues. The relationship of the proposed development to existing, surrounding developments should also be reflected.
- 82. **Condominium** means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential or commercial complex located on such real property. This condominium may include cluster housing or semi-detached housing. In addition, a condominium may include a separate interest in other portions of such real property, such as common area.
- 83. **Condominium Conversion** means the development of land and existing structures as a condominium, regardless of the present or prior use of such land or structure and regardless of

whether substantial improvements have been made to such structures.

- 84. **Conditional Approval** means an affirmative action by the Commission or the Council indicating that approval will be contingent upon satisfaction of certain specified stipulations.
- 85. **Conditional Rezoning** means a rezoning for which conditions of approval are applied.
- 86. **Congregate Residence** means any building or portion of it which contains facilities for living, sleeping and sanitation as required by this Code and which may include facilities for eating and cooking for occupancy by other than a family. A congregate residence may be a group care facility, shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.
- 87. **Construction** means any site preparation, assembly, erection, repair, alteration or similar action (excluding demolition) for or of public or private rights-of-way, sites, structures, utilities or other improvements.
- 88. **Construction Envelope** means one or more specified areas on a lot or parcel within which all structures, driveways, all grading, parking, non-native landscaping, water surfaces, decks, walks and improved recreation facilities are located. Underground utilities may be located outside the construction envelope, but the area disturbed must be revegetated.
- 89. **Context Area** means the subject property and all adjacent parcels, as well as those parcels or portions of parcels within five hundred (500) feet of the subject property.
- 90. **Context Plan** means a plan or map showing the Context Area of a subject property. The Context Plan shall include an Existing Conditions Analysis and a Conceptual Site Plan.
- 91. **Contiguous** means in actual contact with.
- 92. **Continuous Period** means an uninterrupted period of time.
- 93. **Convalescent Home** means a facility licensed by the State Department of Public Health, the State Department of Social Welfare or the City, which provides bed and ambulatory care for patients with

post-operative, convalescent, chronic disease or dietary problems and for aged or infirmed persons unable to care for themselves.

94. **Cooking Facilities** means any room or portion of it, in a building or dwelling unit, which is used or intended to be used for cooking or the preparation of food or any unit which contains a sink, refrigerator, and stove with two or more gas burners or electric elements.
95. **Council** means the City Council of the City of Sedona.
96. **County Recorder** means the County Recorders of Coconino and Yavapai Counties.
97. **Custom (pertaining to work)** means service or assembly done to order for customers for their own use or convenience.
98. **Cut** means the removal of earth material. Cut may also mean the grade that results from the removal of earth material.
99. **Day Care** (including Pre-Schools) means any building, buildings or portion thereof used for the daytime care of four (4) or more children at any location other than their normal place of residence, excluding any children who normally reside on the premises.
100. **DBH** means the diameter at breast height - the diameter of a tree trunk or the cumulative diameter of multiple trunks measured four and one half (4½) feet above natural grade.
101. **Dedication** means an offer of real property by its owner(s) and its acceptance by the City for any general or public use.
102. **Demolition** means any dismantling, intentional destruction or removal of public or private structures, sites, surfaces, utilities or other improvements.
103. **Density** means the total number of dwelling units permitted on an acre of land, exclusive of all streets and rights-of-way and public access easements that restrict the surface use of the property in question.
104. **Department** means the Department of Community Development pursuant to City Code Section 3-2-7.
105. **Detached Building** see **Building**.
106. **Development** means the making of any material change in the use or appearance of any structure or land, the creation of a subdivision or the creation of two (2) or three (3) parcels pursuant to a minor land division over which the City has regulatory authority. Development includes, but is not limited to, such activities as the construction, reconstruction or alteration of the size or material change in the external appearance of a structure or land; trenching or grading; demolition of a structure or removal of vegetation; deposit of fill; or the alteration of a floodplain, bank or watercourse.
107. **Development Impact Fees Ordinance** shall mean Article 16 and shall include the definitions contained therein.
108. **Development Master Plan (DMP)** means a preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages.
109. **Development Project** means any development resulting from the approval of a building permit, minor land division, preliminary or final plat, rezoning application or conditional use permit.
110. **Director** means the Director of Community Development or his/her designee for the City pursuant to Article 3. The Director is also the Zoning Administrator for the City.
111. **District** means either a zoning district or a density district.
112. **Dormitory** means a building intended or used principally for sleeping accommodations, when the building is related to an educational or religious institution.
113. **Drainageway** see **Watercourse**
114. **Dripline** (of a tree) means an imaginary line extending from the external boundary of a tree's canopy to the ground.

115. **Drive-In Restaurant** means a place of business which (1) sells food products or beverages and which delivers food products or beverages to customers outside of the building in which they are prepared by means of a service window, counter, or similar method or device or (2) delivers food products or beverages to customers within a building which is designed so that most of the customers will remove such food products or beverages from the building for consumption.
116. **Driveway** means a private access road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.
117. **Dwelling, Duplex** means two (2) dwelling units in a building designed or arranged to be occupied by two (2) families living independently.
118. **Dwelling, Group** means two (2) or more dwelling units, including single-family and multiple dwellings or boarding or rooming houses located on one (1) lot or building site.
119. **Dwelling, Multiple** means a building containing two (2) or more dwelling units or a combination of two (2) or more separate, single-family dwelling units on one (1) lot or building site.
120. **Dwelling, Single-Family** means a detached dwelling unit.
121. **Dwelling Unit** means any building or portion of it which contains living facilities, including provisions for sleeping, eating, cooking and sanitation facilities as required by this Code, for not more than one (1) family or a congregate residence for ten (10) or fewer persons.
122. **Earth Material** means any rock, natural soil or fill, or any combination thereof.
123. **Easement** means the portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on or above said lot or lots.
124. **Economically Beneficial Use** means a use of the property for the purpose for which it is zoned.
125. **Educational Institutions** mean public and non-profit institutions conducting regular academic instruction at pre-school, kindergarten, elementary, secondary and collegiate levels, including graduate schools, universities, non-profit research and religious institutions. These institutions must either (1) offer general academic instruction, or (2) confer degrees as a college or university of undergraduate or graduate standing, or (3) conduct research, or (4) give religious instruction. This definition does not include commercial or trade schools.
126. **Efficiency Dwelling Unit** means a dwelling unit containing only one (1) habitable room (*See Habitable Space and Habitable Floor*).
127. **Engineered Grading** means grading greater than one thousand (1,000) cubic yards for single-family residentially zoned parcels, or grading greater than two hundred fifty (250) cubic yards for multi-family and commercial zoned parcels, which shall be performed in accordance with an approved grading plan prepared by a Civil Engineer.
128. **Engineering Geologist** means a geologist registered in the State of Arizona and experienced and knowledgeable in engineering geology.
129. **Erosion** means the wearing away of the ground surface as a result of the movement of wind, water or ice.
130. **Excavation** means the removal of earth material. Excavation may also mean the grade that results from the removal of earth material.
131. **Exception (Subdivisions)** means any parcel of land within the boundaries of the subdivision to be designated on the final plat as "not a part of this subdivision."
132. **Existing Conditions Analysis** means a plan or map showing the location and general footprint of all existing development within the Context Area, including (but not limited to) the height, intensity, use and character of existing development, location of existing native

- vegetation, significant natural features, historical structures, predominant building materials and signs; viewshed analysis; primary pedestrian circulation paths; location of significant development features such as parking lots, courtyards and pedestrian walkways; and proof of contact with surrounding property owners.
133. **Existing Grade** means the grade prior to grading.
134. **Existing Lot** means lots including existing single-family residential, multi-family residential, commercial or public facility lots, and is a lot or parcel zoned or legally used for single-family residential, multi-family residential, commercial or public facility use and legally created and existing on the effective date of this Code, including developed and non-developed lots or parcels.
135. **Factory Built House** means a single-family residential Factory Built Building (*See Building, Factory Built*).
136. **Family** means: (A) one (1) or more persons related by blood or marriage with or without minor children, or (B) one (1) or more unrelated disabled persons, or (C) no more than four (4) unrelated adults with or without minor children, occupying a single dwelling unit and living together as a single housekeeping unit.
137. **Farm Animals** mean animals other than household pets that may, where permitted, be kept and maintained for family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep and goats; or small animals, e.g., rabbits, chickens, turkeys, pheasants, geese, ducks and pigeons.
138. **Fill** means a deposit of earth material placed by artificial means.
139. **Final Approval** means unconditional approval of a final plat by the Council, as certified by the City Engineer, signed by the Mayor and attested by the City Clerk. This authorizes recording of the plat when engineering plans have been approved and an assurance bond has been posted to guarantee the installation of the improvements.
140. **Finish Grade** means the final grade of the site which conforms to the approved plan.
141. **Flood or Flooding** means any general and temporary condition of partial or complete inundation of normally dry land from one or any combination of the following:
- a. The overflow of flood waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. The collapse or subsidence of land along a drainageway or in a flood plain as a result of erosion or undermining caused by currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by similarly unusual and unforeseeable event which results in flooding, as defined herein.
142. **Flood Control District** means the district under which flood control regulations are administered by Coconino and Yavapai Counties.
143. **Floodplain** means the total area required to pass the base flood through a natural watercourse, wash, canyon, ravine, arroyo or other potential flood hazard area.
144. **Floor Area** means the area of all floors included within the surrounding exterior walls of a building or portion of it excluding vent shafts and courts. The floor area, or portion of it, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.
145. **Floor Area Ratio** means a ratio derived by dividing the area of all floors of all buildings on a site or lot, by the area of the site or lot on which they are situated, except single-level unenclosed, covered parking areas, unless the roof space is used for any use or activity and unenclosed covered walkways and lanais.
146. **Footprint Area** means the area included within the surrounding exterior walls of a building or

- structure, measured at the foundations of such building or structure.
147. **Frontage** means the width of a lot or parcel abutting a public right-of-way measured at the front property line.
148. **Garage (Private)** means a detached accessory building or a portion of a main building on the same lot for the parking and temporary storage of vehicles of the occupants of the premises.
149. **Garage (Public)** means any building other than a private garage used for the storage or care of motor vehicles or where any such vehicles are equipped for operation, maintained, repaired or kept for remuneration, hire or sale.
150. **General Plan** see Community Plan (Sedona).
151. **Grade** means the vertical location of the ground surface.
152. **Grading** means excavating, filling or combination of such operations.
153. **Grading Permit** means a permit required for the dredging, filling, excavation, paving or drilling operations on a lot or parcel of land.
154. **Graffiti** means unauthorized marking on a structure.
155. **Gross Area** means the total horizontal area within a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.
156. **Ground Cover, Non-Vegetative** means rocks and small stones, cinders, granite, bark and natural red earth, not including pavement and concrete.
157. **Group Care Facility** means a facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering from substance abuse or eating disorders. This does not include day-care centers, family day-care homes, foster homes, schools, hospitals, jails or prisons.
158. **Guest** means any person paying for or occupying a room for living or sleeping purposes.
159. **Guest House** means an accessory building with one (1) or more rooms used solely as the temporary dwelling of the guests of the occupants of the premises and not rented or used for supplemental income. Guest houses shall not include mobile or manufactured homes, shall contain no kitchen facilities, shall be connected to the same utility services as the main dwelling and shall not be used as a separate dwelling unit.
160. **Guest Room** means one (1) or more rooms intended as one (1) occupancy overnight or longer by other than members of the family. If it contains cooking facilities, it is deemed to be a dwelling unit.
161. **Guest Unit** see Bed and Breakfast Establishment.
162. **Habitable Space (Room) or Habitable Floor** means space or floor in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.
163. **Health Authority** means the representative of the public agency having jurisdiction over the review of matters related to health and sanitation, including the Arizona Department of Environmental Quality and the County Health Department.
164. **Health Care Center** means a place for recuperative care and treatment services to human patients not involving overnight housing and includes health spas, alternative care and holistic healing centers.
165. **Heliport** means a place designed or designated for the landing and taking off of helicopters.
166. **Highway** means routes SR 89A and SR 179.
167. **Hillside Development Area** means any subdivision or portion of a subdivision located in terrain having a slope exceeding fifteen percent (15%).

168. **Historic Preservation** shall mean Article 15 and shall include the definitions contained therein.
169. **Home Occupation** means any uses of a vocational or professional nature which are customarily conducted entirely within a dwelling or an accessory building; are clearly incidental, secondary and in addition to the use of the structure for dwelling purposes; and are managed in such a way that does not change the character of the dwelling or adversely affect surrounding properties.
170. **Homestay** see Bed and Breakfast Establishment.
171. **Hospital** means an institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices, but not including clinics or health-care centers.
172. **Hotel** means any public or private lodging place within the City where the owner, for compensation, furnishes lodging to transient guests. This does not include foster homes, sheltered care homes, nursing homes or primary health care facilities.
173. **Household Pets** means dogs, cats, rabbits, birds, and other small companion animals such as gerbils and ferrets for family use only (noncommercial), including cages, pens, etc.
174. **Improvements** mean street work, flood and drainage work, utilities and other desirable facilities to be installed or agreed to be installed by the subdivider on the land for public or private streets. Highways, bicycle paths, walkways, and easements for the general use of the lot owners in the subdivision and general traffic and drainage requirements are also included.
175. **Improvement Plans** means plans, profiles, cross sections and other required details for the construction of public improvements, prepared by a Civil Engineer in accordance with the approved preliminary plat and in compliance with standards of design and construction approved by the Council.
176. **Improvement Standards** mean a set of regulations adopted by the Council setting forth the details, specifications and instructions to be followed in the planning, design and construction of certain required improvements to property.
177. **Industry** means the excavation, transporting, manufacture, fabrication, processing, reduction, destruction or any other treatment of any article, substance or commodity, in order to change its form, character or appearance. This includes storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
178. **Irrigation Facilities** mean canals, laterals, ditches, conduits, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water and related construction, operation and maintenance.
179. **Kennel** means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire or selling animals, and in addition means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs under controlled conditions.
180. **Key** means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
181. **Kitchen** or **Kitchen Facilities** means "cooking facilities".
182. **Landscape Architect** means a professional individual registered in the State of Arizona to practice in the field of landscape architecture.
183. **Landscaping** means the placement of trees, shrubs, vegetative and organic or inorganic materials in a prescribed area. Organic and inorganic materials include gravel, cinders, rock and bark materials.
184. **Land Division** means the division of improved or unimproved land into two (2) or three (3) tracts or parcels for sale or lease with no new streets. Land Division includes "Land Splits" as defined by Arizona Revised Statutes (as the division of improved or unimproved land of two and one-half (2 1/2) acres or less for the purpose of sale or lease), and any division of a parcel of

improved or unimproved land which is greater than two and one-half (2 1/2) acres in size.

185. **Land Surveyor** means a person registered in the State of Arizona in the field of land surveying.
186. **Laundry, Self-Help** means a building in which washing machines and/or dryers are provided on a rental basis for use by persons doing their own laundry.
187. **Lot** means a parcel of real property that:
- Has a separate and distinct number or other designation shown on a plat recorded with the County Recorder's Office or
  - Is delineated on an approved record of survey, parcel map or subdivision map filed with the County recorder or the Director and abutting at least one (1) public street, right-of-way or easement determined by the Commission to be adequate access or
  - Is held under separate ownership from the abutting property before the adoption date of this Code.

**Corner Lot** means a lot located at the intersection or intersections of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an Interior Lot. A corner lot shall be part of the block in which the lot fronts (see Figure 2.3).

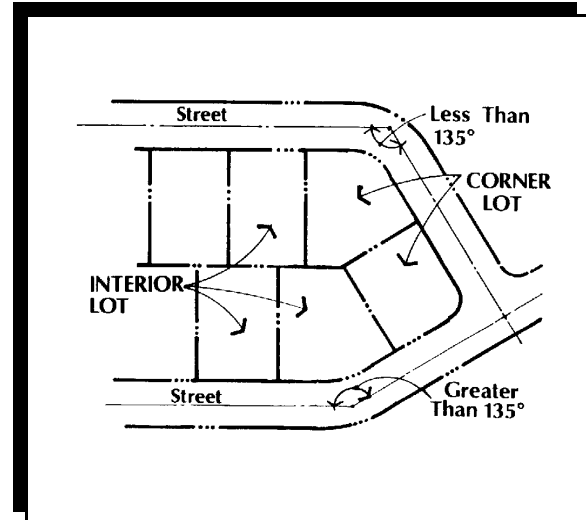


Figure 2.3

**Flag Lot** means an interior lot not having full frontage to a public or private street but including a portion or strip providing access (See Figure 2.5).

**Interior Lot** means a lot other than a corner lot (See Figure 2.4).

**Irregular Lot** means a lot whose opposing property lines are generally not parallel, such as a pie-shaped lot on a cul-de-sac (See Figures 2.5 and 2.7).

**Key Lot** means any lot, the side property line of which abuts the rear property line of one (1) or more lots and which are not separated by an alley or any other public way (See Figure 2.4).

**Through Lot** means a lot having frontage on two (2) dedicated parallel or approximately parallel streets (see Figure 2.4).

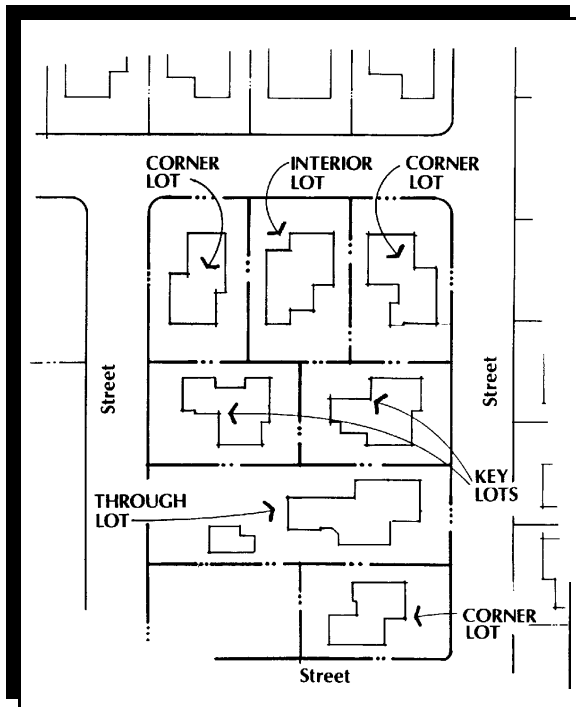


Figure 2.4

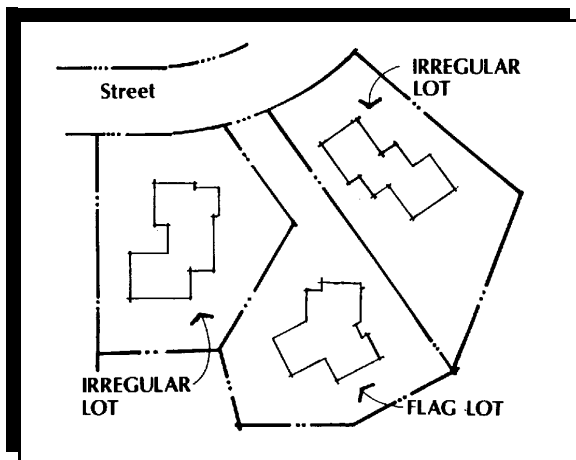


Figure 2.5

188. **Lot Coverage** means the portion of a lot or building site, expressed in percent, which is occupied by any building or structure, excepting paved areas, uncovered parking areas, single level unenclosed covered parking areas (unless the roof space is used for any use or activity), unenclosed covered walkways, driveways, walks, lanais, terraces, swimming pools and landscape areas.

189. **Lot Line** means any line bounding a lot.

190. **Lot Line, Front** means the following:

1. On an interior lot, the front lot line is the property line abutting the street. (See Figure 2.6)
2. On a corner lot, the front lot line is the shorter property line abutting the street, except in cases where the subdivision or parcel map specifies another line as the front lot line. Where the corner lot abuts an arterial or major collector roadway, the property line contiguous to the arterial or collector shall be designated the front for setback purposes. (See Figure 2.6)
3. On a through lot or a lot with three (3) or more sides abutting a street or a corner lot with lot lines of equal length, the Director shall determine front lot lines for the purposes of compliance with yard and setback provisions of this Code. (See Figure 2.6)
4. On a private street or easement, the front lot line shall be designated as the edge of the easement.

191. **Lot Line, Interior** means a lot line not abutting a street.

192. **Lot Line, Rear** means a lot line which is opposite and most distant from the front lot line and which does not abut a street.

1. In the case of an irregular-shaped lot it is a line within the lot, parallel to and a maximum distance from the front lot line, having a length of not less than ten (10) feet.

2. A lot which is bounded on all sides by streets may have no rear lot lines.

193. **Lot Line, Side** means any lot line that is not a front or rear lot line which connects the other lot lines.

194. **Lot Depth** means the average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

195. **Lot Width** means the horizontal distance between the side lot lines, measured at right

angles to the lot depth at a point midway between the front and rear lot lines.

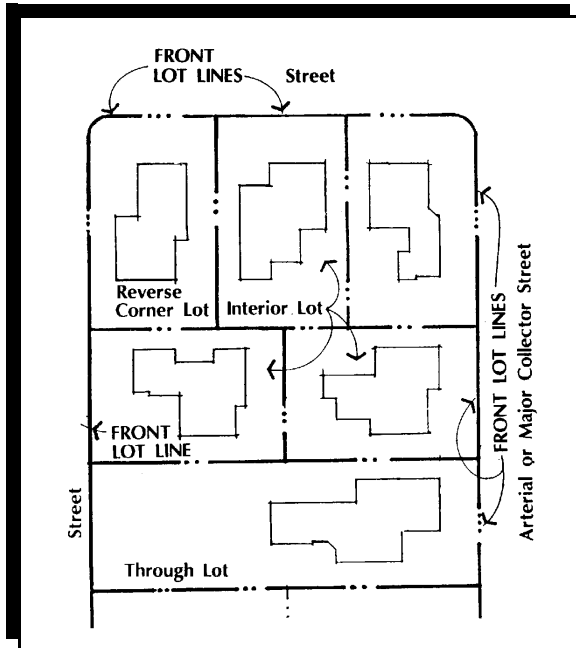


Figure 2.6

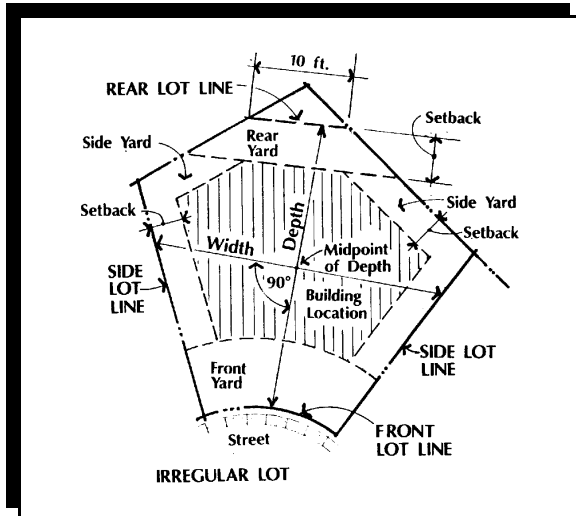


Figure 2.7

196. **Maintain** means the replacing or renovating of a part or parts of a structure which has been made unusable by ordinary wear and tear or by the weather.
197. **Mansard** means a roof with two (2) angles of slope, the lower portion of which is steeper and is architecturally comparable to a building wall. Also a nearly vertical facade which imitates a roof.

198. **Manufactured Home** means a structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title of the Housing and Community Development Act of 1974 as implemented by the Arizona Office of Manufactured Housing pursuant to Arizona Revised Statutes Title 41, Chapter 16.

199. **Marquee** means a permanent, roofed structure attached to and supported by the building and projecting over public property (see Figure 2.8).

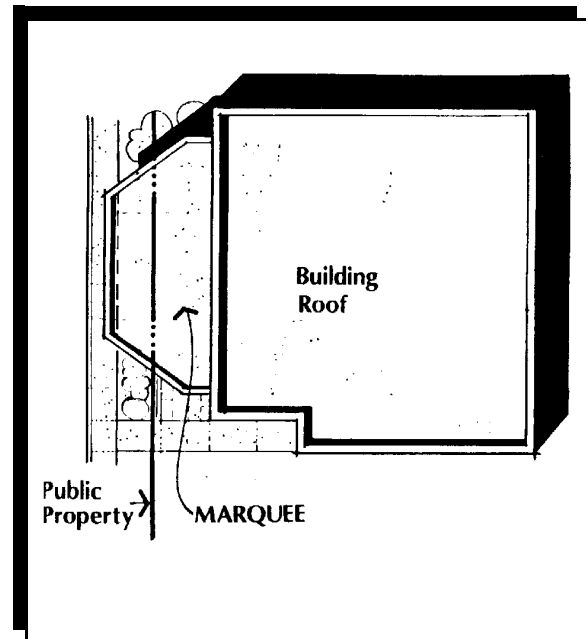


Figure 2.8

200. **Mobile Home** means a structure built prior to June 15, 1976 on a permanent chassis, capable of being transported in one (1) or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities, except it does not include recreational vehicles or factory-built houses.
201. **Mobile Home Park** means any area or tract of land where one (1) or more mobile or manufactured home spaces are rented or leased or held out for rent or lease to accommodate mobile or manufactured homes used for habitation.
202. **Mobile Home Park or Mobile Home Subdivision (Existing)** means a parcel or

- contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale, for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Code.
203. **Mobile Home Park or Mobile Home Subdivision (Expansion to Existing)** means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed, including the installation of utilities, either final site grading or pouring of concrete pads or the construction of streets.
204. **Mobile Home Space** means a plot of ground within a mobile home park, designed for the accommodation of one (1) mobile or manufactured home.
205. **Model Home** means a dwelling temporarily used as a sales office for a residential development under construction for on-site sales.
206. **Mortuary or Funeral Home** means an establishment in which the dead are prepared for burial or cremation. The facility may include a chapel to conduct funeral services and spaces for informal gatherings and/or display of funeral equipment.
207. **Motel** see Hotel.
208. **Motor Vehicle** means any and all self-propelled vehicles as defined in the Motor Vehicle Ordinance of the State of Arizona, including all on-highway motor vehicles subject to registration under that Code (excluding motorcycles), all off-highway type motor vehicles subject to identification under that Code, all enclosed motor vehicles with three (3) wheels or more exempted under that Code and all other types of self-propelled vehicles with three (3) wheels or more when used in any other manner.
209. **Motorcycles** means any and all self-propelled two (2) and three (3) - wheeled unenclosed vehicles as defined in the Motor Vehicle Ordinance of the State of Arizona and any self-propelled two (2) and three (3) - wheeled vehicles with ground contact and equipped with a saddle for the use of the operator. This definition includes, but is not limited to, motor scooters, mini-bikes and off-road vehicles.
210. **Multiple Dwelling** see Dwelling.
211. **Native Vegetation** means those indigenous trees, shrubs, wildflowers, grasses and other plants which have naturally adapted themselves to the climate and soils of the Sedona area. These include, but are not limited to, those identified in Appendix A in Article 10 (Design Review Manual).
212. **Natural Waterways** mean areas varying in width along streams, creeks, springs, gullies or washes which are natural drainage channels as determined and identified by the agency or authority having jurisdiction.
213. **Neighborhood Plan** means a plan designed to guide the platting of remaining vacant parcels in a partially build-up neighborhood to make reasonable use of all land, correlate street patterns and provide adequate drainage.
214. **Net Area** means the total horizontal area within a lot or parcel of land, excluding all public streets, easements or other areas reserved or dedicated for public use except private easements which serve as primary access to no more than four (4) individual lots or parcels.
215. **New Construction** means structures for which the "start of construction" commenced on or after the effective date of this Code.
216. **New Mobile Home Park or Mobile Home Sub-division** means a parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale, for which the construction of facilities or servicing the lot (including, at minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of this Code.
217. **New Single-Family Residential, Multi-family Residential, Commercial or Public Facility Lot** means a lot or parcel legally created after

the effective date of this Code, and zoned for single-family-residential, multi-family residential, commercial or public facility use.

218. **Newspaper of General Circulation** means a daily newspaper, if one is published, or if no daily newspaper is published, a weekly newspaper may be used.
219. **Nonconforming Lot** means a lot, the area or dimensions of which was lawful prior to the adoption, revision, or amendment of this Code or Zoning Map or previously applicable zoning ordinances and maps, but which fails, by reason of such adoption or amendment, to conform to the present requirements of the zoning district.
220. **Nonconforming Sign** means any sign lawfully existing on the effective date of this Code or any amendment thereto, or the previous sign code and associated ordinances, which fails, by reason of such adoption or amendment, to conform to all current standards and regulations of this Code.
221. **Nonconforming Situation** means a condition that occurs when, on the effective date of adoption of this Code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development or use is located.
222. **Nonconforming Developments** mean buildings, structures, parking, landscaping and other property improvements that were lawfully existing prior to the adoption, revision or amendment of this Code or previous ordinance, in which the uses are otherwise in conformance with the district in which they are located, but fail, by reason of such adoption, revision or amendment, to conform to the development standards applicable to the district.
223. **Nonconforming Use** means a use or activity which was lawful prior to the adoption, revision, or amendment of this Code and Zoning Map or previously applicable zoning ordinances and maps, but which is unlawful by the use regulations currently applicable to the district in which the use or activity is located.

224. **Non-Profit** means an organization or business possessing an exemption under 502(C)(3) of the Internal Revenue Code.
225. **Nursery School** see School.
226. **On-Site Sewage Disposal System** means any approved device which treats and disposes of sewage effluent on the property from which such sewage is generated.
227. **Open Air Business** means a business including the sales and/or display of retail merchandise or services outside of a permanent structure.
228. **Open Area** means common areas in planned developments, other conditional rezonings, and conservation easements.
229. **Open Space** means land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space may be devoted to landscaping and preservation of natural features, patios and recreational areas and facilities.
230. **Open Space Lands** mean any space or area characterized by great natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would maintain or enhance the conservation of natural or scenic resources.
231. **Outdoor Lighting**: This definition includes the following terms and definitions:

**Class 1 Lighting.** All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.

**Class 2 Lighting.** All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

**Class 3 Lighting.** Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and

monument lighting, and illumination of trees, bushes, etc.

Direct Illumination. Illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Display Lot or Area. Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, and assembly lots. Uses not on this list may be approved as display lot uses by the Director.

Footcandle. One lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 0.1 (0.093) lux.

Fully Shielded Light Fixture. A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.



*Example of Fully Shielded Light Fixture (Shoe box)*

Glare. The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

Installed. A light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.

Light pollution. Any adverse effect of manmade light.

Light Trespass. Light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

Lumen. Unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

Luminary. The complete lighting assembly, less the support assembly.

Motion Sensing Security Lighting. Any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

Multi-Class Lighting. Any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more Classes as defined for Class 1, 2 and 3 Lighting.

Net Acreage. The remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

Outdoor light fixture. An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

- A. buildings and structures;
- B. recreational areas
- C. parking lot lighting
- D. landscape lighting
- E. architectural lighting
- F. signs (advertising or other)
- G. street lighting
- H. product display area lighting
- I. building overhangs and open canopies
- J. security lighting

Outdoor Recreation Facility. An area designed for active recreation, whether publicly or privately owned, including, but

not limited to, parks, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.

**Partially Shielded Light Fixture.** A fixture shielded in such a manner that no more than ten (10) percent of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal, as determined by photometric test or certified by the manufacturer. Luminaries mounted under canopies or other structures such that the surrounding structure effectively shields the light in the same manner are also considered partially shielded for the purposes of this Ordinance.

**Security Lighting.** Lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting designed.

**Unshielded Fixture.** Any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

**Watt.** The unit used to measure the electrical power consumption (not the light output) of a lamp.

231. **Owner** means the persons or entities holding title by deed to land or holding title as vendees under land contract or holding any other title of record.
232. **Parapet Wall** means that part of any wall entirely above the roof line.
233. **Parcel** means real property that:
- a. has a separate and distinct number or other designation shown on a plan, recorded with the County Recorder's Office or
  - b. is delineated on an approved record of survey, parcel map or subdivision map as filed with the County Recorder and abutting at least one public right-of-way or easement determined by the Commission to be adequate access.
234. **Parking Area** means an area designed and constructed for the parking, storage and maneuvering of vehicles.
235. **Parking Space** means a space within a public or private parking area, exclusive of driveways,

ramps, columns, offices and work areas, which is for the temporary parking or storage of one (1) motor vehicle.

236. **Pedestrian Way** means a dedicated public walk.
237. **Person** means any individual, association, partnership, private or political entity or corporation, or other business entity including any officer, employee, partner, department or agency or instrumentality of the federal government, the State of Arizona or any other state, the City or any other subdivision of a state.
238. **Planting Strip** means a strip intended to be planted with trees, shrubs or other vegetation between the sidewalk and the curb or between the sidewalk and the public right-of-way or private easement line or between the pavement of a frontage road and the major street, limited access highway or freeway it parallels.
239. **Plat** means a map of a subdivision and associated required information which provides for changes in land use or ownership or which describes existing uses.
- Plat, Conceptual** means a design prepared for review and comment at a pre-application conference and by the Commission. It is not a preliminary plat submittal.
- Plat Preliminary** means a tentative plat, including supporting data, indicating a proposed subdivision design, prepared by a civil engineer, land surveyor, landscape architect, architect or land planner in accordance with these regulations and the statutes of the State of Arizona. A preliminary site plan for a condominium development shall be considered a preliminary plat.
- Plat, Revised Preliminary** means a plat reflecting revisions to the preliminary plat and the associated conditions of approval for review and comment by the Director before formal submittal of a final plat.
- Plat, Final** means a plat of all or part of a subdivision in substantial conformance with the revised preliminary plat, prepared by a civil engineer or a land surveyor in accordance with this Code and the statutes of the State of Arizona.
- Plat, Recorded** means a final plat including all of the certificates of approval required by this Code the statutes of the State of Arizona and

recorded in the Yavapai or Coconino County Recorder's office.

**Plat, Minor Amendment** shall mean any other change to a subdivision final plat not determined to be a major amendment.

**Plat, Amended Final** means a plat of all or part of a recorded subdivision proposing a change of design, lot lines, size of lots, number of lots or street alignments.

240. **Plot Plan** means a plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets and other required information.
241. **Porch (Open)** means a deck, landing or balcony in which any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than fifty-four (54) inches above the natural grade line adjacent to it. The porch is to be used solely for ingress and egress and not for occupancy.
242. **Private Access Way** means a common driveway providing immediate access from a public right-of-way or private street to a residence or small group of residences or divided interests in air rights exempt from management, maintenance and liability responsibilities of the City.
243. **Public Area** means any outdoor place to which the public has access, including, but not limited to, highways, transportation facilities, schools, playgrounds and the outdoor common areas of public and private buildings and facilities.
244. **Public Improvement** means work within dedicated rights-of-way or easements.
245. **Public Right-of-Way** means, but is not limited to, any street, avenue, boulevard, lane, mall, highway, sidewalk or other pedestrian way, circle, bike path, trail or similar place which is owned or controlled by a public entity.
246. **Public Services** mean uses operated by a unit of government to serve public needs, such as, police, with or without jail, fire service, ambulance, judicial court or government offices,

but not including public utility stations or maintenance facilities.

247. **Public Utility Installation** means all buildings, structures and related equipment except transmission and distribution lines and poles.
248. **Public Works** means any improvement facility or service, together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy or similar essential services.
249. **Real Property Boundary** means a surveyed line along the ground surface and its vertical extension which separates the real property owned by one (1) person from that owned by another person.
250. **Recreation Facilities** mean buildings, structures or areas built or developed for entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.
251. **Recreational Vehicle** means a vehicular type unit which is:
1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.
  2. A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
  3. A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet when it is set up, except it does not include fifth wheel trailers. Area measurements shall be taken on the exterior of the unit.
  4. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel

- use and has an area less than three hundred twenty (320) square feet when measured to the exterior of the unit. This subdivision includes fifth wheel trailers.
5. A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.
252. **Recreational Vehicle Park** means facilities for the temporary storage, parking and maneuvering of recreational vehicles with adequate roads and stall sites, including sanitary and water facilities. It does not constitute a mobile home park as site locations are provided on a day-to-day basis.
  253. **Regular Grading** means grading less than one thousand (1,000) cubic yards for single-family residentially zoned parcels, or grading less than two hundred fifty (250) cubic yards for multi-family and commercial zoned parcels.
  254. **Regulatory Flood Elevation** means one (1) foot above the base flood elevation for a watercourse.
  255. **Religious, Cultural and Fraternal Activity** means a use or building owned or maintained by organized religious organizations or nonprofit associations for social, worship, civic or philanthropic purposes.
  256. **Renovation** means interior or exterior remodeling of a structure, other than ordinary repair.
  257. **Residential Use** see Use.
  258. **Resort** means a specialized guest complex intended for relaxation and enjoyment, designed for occupancy of limited duration, including recreational activities such as tennis, golf, swimming, body conditioning, hiking and similar activities intended primarily for use by guests. A resort may also include residential units of various types or commercial uses designed to serve and provide for the convenience of guests, including restaurants, gift shops and similar uses.
  259. **Restaurant** means an establishment other than a boarding house which serves food or beverages for on-premises consumption, including cafes, coffee shops and tea rooms.
  260. **Revegetation** means the re-establishment of vegetation on previously disturbed land, for the purpose of stabilization and the re-establishment of pre-existent aesthetic qualities.
  261. **Revegetation Area** means an area that has been scarred by prior construction or development activity, and that has had plant and rock material reintroduced.
  262. **Reverse Print** means sign lettering or design of a lighter shade than the background.
  263. **Rezoning** means an amendment to the City of Sedona Zoning Map that changes any zoning district classification on the map.
  264. **Right-Of-Way** means a general term denoting an area of land property or interests therein usually in a strip dedicated and accepted by the City or other entities, or otherwise required or devoted to uses such as but not limited to, highways, roads, streets, utilities, drainages, or pedestrian, bicycle or equestrian ways.
  265. **Roof Line** means the highest point of a structure including parapets, but not including spires, chimneys or heating or cooling mechanical devices.
  266. **Rooming House** see Hotel.
  267. **Rough Grade** means the preliminary grading of the site which generally conforms to the approved plan.
  268. **Sanitary Engineer** means a professional engineer registered in the State of Arizona to practice in the branch of sanitary engineering.
  269. **School** means a place of general instruction having accredited instruction acceptable to the educational authorities within its school district having jurisdiction.
  270. **School, Charter** means a public school established by a contract with a district governing board, the State Board of Education or the State Board for Charter Schools pursuant to ARS 15-181 to provide learning that will improve pupil achievement.

271. **School, Nursery** means an institution intended primarily for the daytime care of children of pre-school age. Even though some instruction may be offered, the institution shall not be considered a "school" within the meaning of this Code.
272. **School, Private** means a non-public institution where instruction is imparted.
273. **Service Apron** means a hard surface work area in front of an automotive service station or automotive repair facility, which extends one vehicle length from the interior service bay, or an area equivalent to the total area of the interior service bays, immediately adjacent to the front of the establishment.
274. **Setback** means the minimum required distance between the established lot line and any building on the lot.
275. **Setback Line, Front Yard** means the line which defines the depth of the required front yard. The setback line shall be parallel with the street line or future right-of-way line recommended by the Community Plan, and be removed from it by the perpendicular distance prescribed for the front yard of the zoning district in which the property is located (see Figure 2.9).
276. **Setback Line, Rear Yard or Side Yard** means the line which defines the width or depth of the required rear or side yard. The setback line shall be parallel with the property line or, where the side or rear yard abuts a street, the street line or future right-of-way line recommended by the Community Plan, and removed from it by the perpendicular distance prescribed for the yard of the zoning district in which the property is located. (see Figure 2.9 and also see Figures following "Lot").

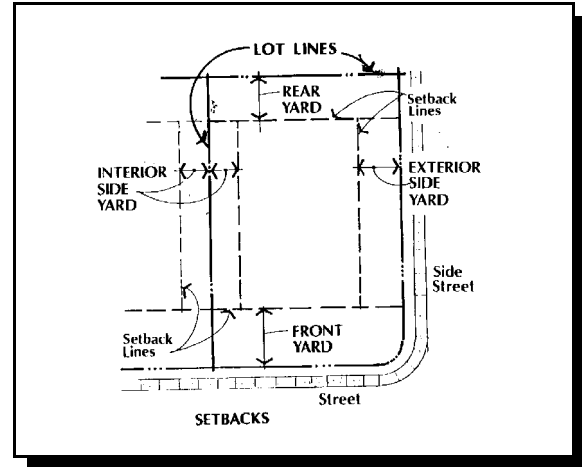


Figure 2.9

277. **Sign** means any medium, including its structure and component parts, including any illumination device which is used or intended to be used to attract attention and/or advertise or promote a business or which is visible by the general public from any public right-of-way, or any public area. "Visible" means capable of being seen, whether or not capable of being read, without visual aid by a person of normal acuity.

**Abandoned Sign** means any sign that is located on property which becomes vacant and is unoccupied for a period of three (3) months or more or any sign which pertains to a time, event or purpose which no longer applies.

**Architectural feature** includes any prominent or characteristic part of a building, including, but not limited to, windows, columns, awnings, marquee, facade and/or fascia.

**Attention-getting device** is any flag, streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, flags or fringe or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area.

**Awning (Canopy)** is a shelter or cover projecting from and supported by an exterior wall of a building. (see Figure 2.10).

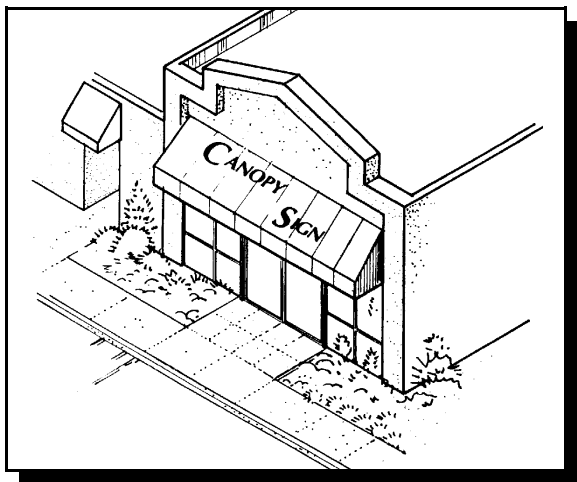


Figure 2.10

**Back-lit Sign** is an indirect source of light which illuminates a sign by shining through a translucent surface or a sign, including plastic signs, lit from an internal light source.

**Banner** includes any advertisement device affixed to poles, wires or ropes, which is located outdoors and which is primarily intended to announce, promote or decorate for an activity or event.

**Building Identification Sign** is a wall sign or freestanding sign, which states the name of the building, but does not advertise any business or product.

**Civic event** includes any type of race, parade, art show, competition, entertainment or community activity to which the general public is invited, either expressly or by implication.

**Copy** is any graphic, word numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify or notify.

**Directional Sign** is a sign which includes copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic. (see Figure 2.11).

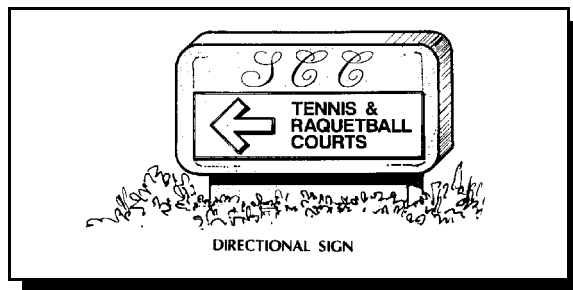


Figure 2.11

**Directory Sign** is a sign that serves as a common or collective identification of two (2) or more uses on the same property and which may contain a directory to the uses as an integral part thereof or may serve as a general identification for such developments as shopping centers, office complexes and similar uses. (see Figure 2.12).

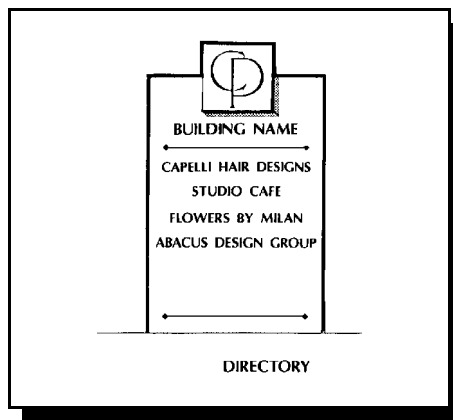


Figure 2.13

**Flashing Sign** is a sign having lights or illumination which flashes, moves, rotates, scintillates, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations; provide; however, that seasonal lighting as permitted by subsection 1105.N, seasonal decorations, shall not be considered a flashing sign.

**Freestanding Sign** is a sign that is permanently erected in a fixed location and supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building, structure, or other sign. (see Figure 2.12.)

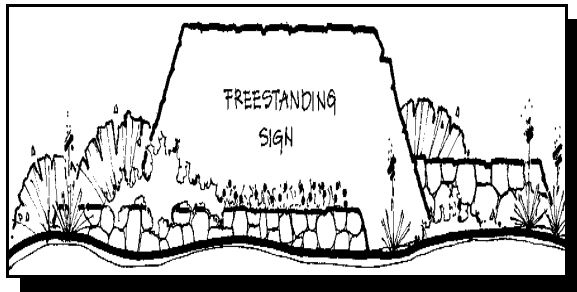


Figure 2.12

**Going-out-of-business Sign** is a temporary sign indicating that the business displaying the sign will cease and be discontinued at a specific location.

**Grand Opening Sign** is a temporary sign indicating that a new business is opening at a specific location.

**Identification Sign** is any sign which identifies, by name, a permitted use.

**Ideological Sign** is a sign which does not propose a commercial transaction but, instead, involves only the expression of ideas or beliefs.

**Illuminated Sign** means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Information Sign** is a sign used to indicate or provide information or direction with respect to permitted uses on the property, including, but not limited to, signs indicating the hours of operation, and such signs as "No Smoking", "Open", "Closed", "Restrooms", "No Solicitors", "Deliveries In Rear", current credit card signs, trade association emblems, etc.

**Lead-in Sign** is a temporary off-premise sign used to direct vehicular traffic for the purpose of announcing a garage sale or an open house announcing the sale of a specific home or residential unit.

**Lighting, Indirect** means a light source separated from the sign surface which illuminates the sign surface by means of spotlights or similar lighting fixtures.

**Master Sign Plan** is a sign plan of any multiple use office, commercial or multi-family residential building which includes the number, size, description and location of all signs located, or to be located, in or upon such property.

**Marque Sign** is a sign which utilizes changeable letters or copy and is restricted to commercial uses for the purpose of advertising dramatic, musical, entertainment, or motion picture events which occur on the premise.

**Menu Display Box** is a freestanding or wall sign enclosed in glass for the express purpose of displaying menus. This shall include menus displayed flat against the interior of a window.

**Moving Sign** is a sign which moves or which simulates motion.

**Neon Sign** is any sign that is illuminated by the tubes filled with neon and related inert gases, including any display of neon lighting tubes which is in view of the general public from a public right-of-way or from any public area, regardless of the shape, size, design or configuration, including "open" neon signs.

#### **Number of Faces on Signs:**

**One Face:** If a sign has copy on one (1) side only or if the interior angle between the two (2) sign faces or sides is forty-five (45) degrees or greater, it shall be considered one (1) face; the area will be considered to be the sum of the areas of both sides (*see Figure 2.13*).

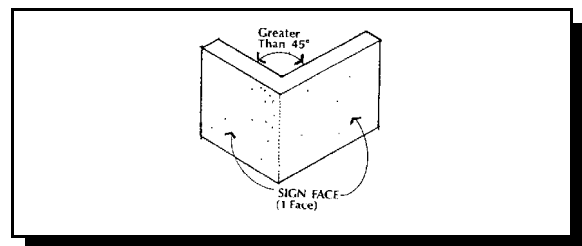


Figure 2.13

**Two Faces:** If the angle between the two (2) sign faces is less than forty-five (45) degrees, then the sign shall be considered double-faced and the sign area will be the area of one (1) face only. If two (2) sign faces are attached to a structure with a thickness exceeding thirty-six (36) inches or the two (2) faces are separated by

a distance exceeding thirty-six (36) inches, then the sign area will be the area of both faces (see Figure 2.14).

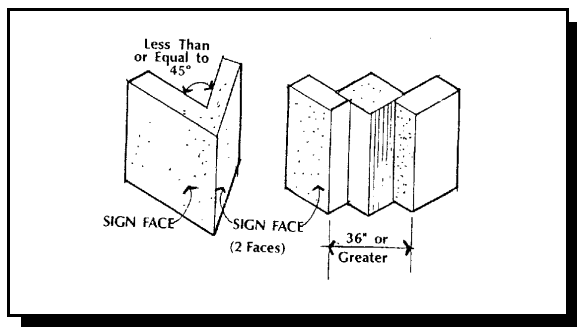


Figure 2.14

**Multi-faces:** Any sign containing more than two (2) sides. The area shall be the area of the largest side plus the area of any other side whose interior angle with any other side exceeds forty-five (45) degrees (see Figure 2.15).

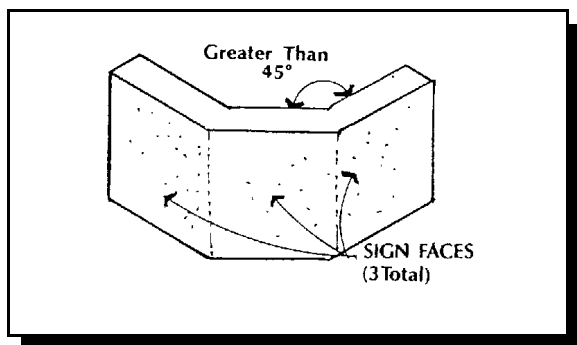


Figure 2.15

**Double-Faced Sign** means a sign with two (2) faces only, with each face oriented one hundred eighty (180) degrees from the other.

**Off-premise/Off-site Sign** is a sign which directs attention to a business, product, commodity, service, entertainment or attraction sold, produced, offered or existing elsewhere than upon the lot or parcel where the sign is located.

**Off-Premise Community Information Kiosk** is a group sign structure located on arterial streets which provides information about the City, welcomes visitors, advertises future events or activities and provides general information and direction.

**Off-Premise Directional Kiosk** is a group sign structure located on arterial streets which

provides general direction to community buildings, points of interest, subdivisions, and businesses which do not abut either SR89A or SR179.

**On-premise Sign** means a sign advertising a business, place, activity, goods or services or products on the same property on which the sign is located.

**Outline Lighting** includes any arrangement or display of incandescent bulbs or lighting tubes used to outline or call attention to the features of a building, including the buildings' frame, shape, roof line or window dimensions. Outline lighting includes both temporary and permanent arrangement of bulbs or lighting tubing, whether located inside or outside of a building, if such bulbs or tubing is visible to the public from a public right-of-way or from an outdoor public area.

**Permanent Window Sign** is a sign permanently displayed in or painted on a window.

**Political Sign** is a sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election.

**Portable Sign** is any sign not permanently affixed to the ground or structure on the site it occupies (see Figure 2.16).

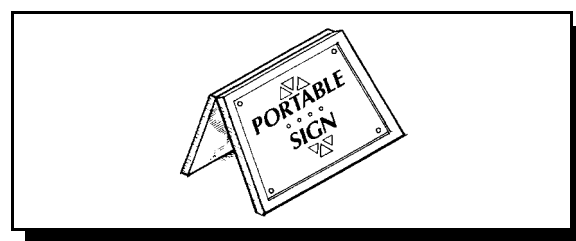


Figure 2.16

**Projecting Sign** is a sign other than a wall sign, which projects six inches (6") or more from and is supported by a wall of a building or structure. (see Figure 2.17).

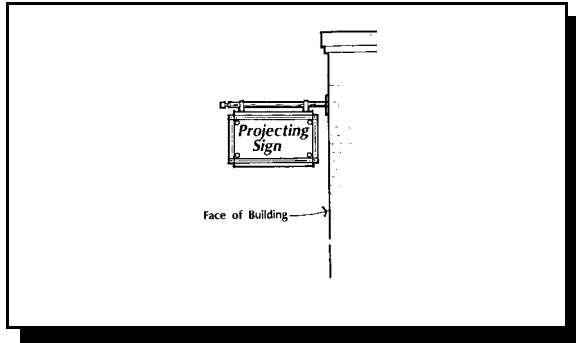


Figure 2.17

**Public Area** is any outdoor place to which the public or a substantial number of the public has access, including, but not limited to, right-of-ways, highways, transportation facilities, schools, places of amusement, parks, playgrounds and the outdoor common areas of public and private buildings and facilities.

**Real Estate Sign** is a temporary on-premise sign used to advertise the availability of real property.

**Reflective Surface** is any material or device which has the effect of intensifying reflected light, including, but not limited to, "Scotchlite", "Dayglo", glass beads and luminous paint.

**Residential Nameplate** is a type of sign allowed for the sole purpose of identifying the occupants of a residential structure, the house name, occupant's profession or identifying the address of the residence. The sign shall not contain advertising copy.

**Roof Sign** is a sign painted on the roof of a building, or supported by poles, uprights or braces extending from the roof of a building, or projecting above the roof of a building. (see Figure 2.18).

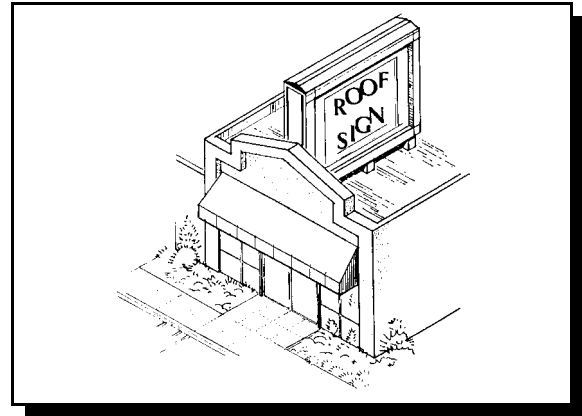


Figure 2.18

**Sign Area or Surface Area** is the surface area of a sign, as determined by the Director, including its facing, copy, insignia, background and borders, which is described by a combination of plane geometric figures.

**Sign Height** means the distance measured from the average vertical line of the highest point and the lowest point of finished grade to the top of the highest attached component of the sign, exclusive of any filling, berming, mounding, landscaping, or excavating solely for the purpose of locating the sign. (see Figure 2.19).

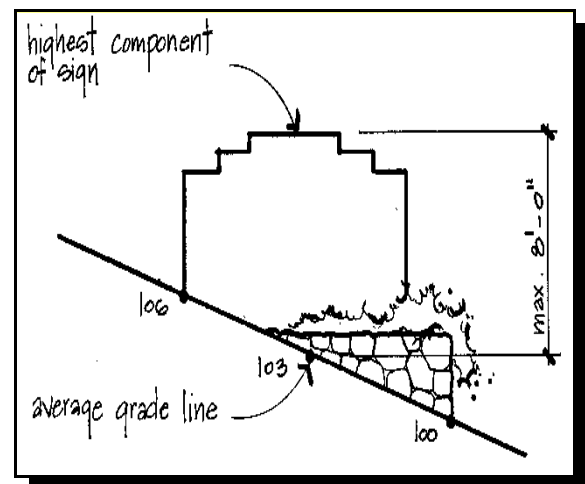


Figure 2.19

**Sign Illumination Device** is any fixture or mechanism used to shine light onto a sign, or to make a sign luminous.

**Sign Owner** is the permittee with respect to any sign for which a sign permit has been issued; or, with respect to a sign for which no sign permit

is required, or for which no sign permit has been obtained, "sign owner" means the person entitled to possession of such sign, the owner, occupant and agent of the property where the sign is located, and any person deriving a benefit from the sign.

**Sign with Relief** is a carved sign with a three (3) dimensional textured surface that is integral to its design, such as extensively carved, routed, and/or sandblasted signs. A sign with a simple raised or routed border shall not constitute a sign with relief.

**Sign Structure** includes any supports, uprights, braces or framework of a sign.

**Site Development Sign** is a temporary sign used to identify a real estate development which is under construction, and/or the owners, architects, contractors, real estate agents and lenders involved with the development. Sales and lease information may be included.

**Statuary Sign** is any sign which is a modeled or sculptured likeness of a living creature or inanimate object intended to be used as an advertising device.

**Subdivision Entrance Sign** is a sign used to identify the name and entryway to a subdivision.

**Suspended Sign** is a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Sign** is a sign which is intended for a definite and limited period of display.

**Temporary Window Sign** is a window sign which advertises special commercial events or sales. Signs displaying solely product names, product logos, business names or promoting the ongoing nature of a business and the products sold shall not be considered as temporary window signs.

**Under-canopy Sign** means a sign suspended beneath a canopy, ceiling, roof or marquee (see Figure 2.20).

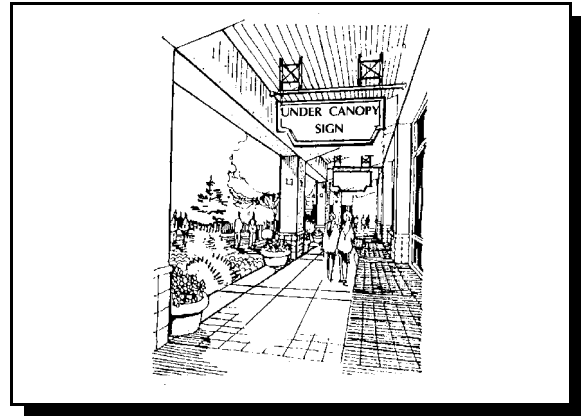


Figure 2.20

**Wall Sign** is any sign attached to or erected against the building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall. Awning signs, projecting/suspended signs, and window signs shall be treated as wall signs and shall be included in the overall calculations for wall-mounted signs. (see Figure 2.21)

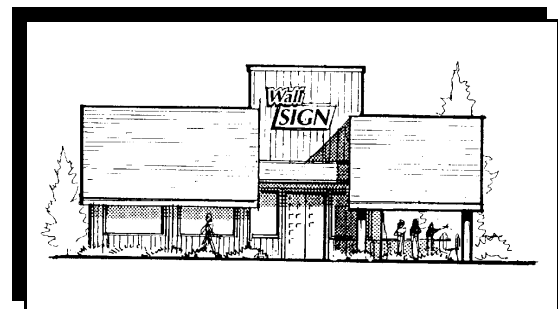


Figure 2.21

**Walking Sign** includes any sign, including sandwich board type signs, or lettering on a costume, which is carried or worn by any person which is visible from a public right-of-way, adjacent property, or a public area.

**Window** is any single window pane, or a series of adjacent window panes separated by a mullion(s) of twelve inches (12") or less. Adjacent window panes set at different angles shall constitute separate windows regardless of the width of their mullion separation.

**Window Sign** is a sign that is painted on, applied or attached to a window, but excludes merchandise included in a window display. Window signs shall include signs located in the interior of a structure placed so that they serve

- to effectively display advertising for passersby on any public areas or public rights-of-way.
278. **Site** means a parcel or lot, subdivided or unsubdivided, occupied or to be occupied by a use or structure. Site, as it relates to Article 8 means any lot or parcel or contiguous combination thereof under the same property ownership, where grading is performed or permitted.
279. **Site Area** means the total area to be used for development of a project.
280. **Site Plan** means a plan prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses and the exact manner of development proposed for a specific parcel of land.
281. **Sleeping Room** means a room, other than a guest room, in which no cooking facilities are provided.
282. **Slope** means the vertical rise measured over a horizontal distance expressed as a percentage. A Geographic Information System (GIS) which uses TIN 3D modeling techniques is available at the Engineering Department and is recommended for use in calculating a slope analysis for any particular lot or parcel. The use of any other method of slope analysis shall be subject to review and approval by the City Engineer.
283. **Soil** means naturally occurring surficial deposits overlaying bedrock.
284. **Soil Engineer** means a registered civil engineer experienced and knowledgeable in the practice of soil engineering.
285. **Stable, Commercial** means a structure or site which is rented or used for boarding of horses, mules or ponies on a commercial basis for compensation.
286. **Stable, Private** means an accessory building owned by the occupants of the premises and not rented or used for keeping or boarding of horses, mules or ponies on a commercial basis for compensation.
287. **State** means the State of Arizona.
288. **Statutory Dedication** means dedication of land for open space, public rights-of-way, easements, utilities and the like required by the Subdivision Regulations (Article 7) as a condition to acceptance of a subdivision plat for filing.
289. **Street** means any existing or proposed street, road, avenue, boulevard, land, parkway, place, bridge, viaduct or easement for public vehicular access or a street shown on a plat approved pursuant to law or a street on a plat filed and recorded in the County Recorder's office. A street includes all land within the street right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, drainage appurtenances, parking space, bridges and viaducts.
- Arterial Street** means a street that provides for through traffic with limited access to abutting properties and includes major streets or highways having regional continuity.
- Boundary (Half-Width Street) Street** means a half-width local or collector street, constructed with one (1) edge coincident with a tract boundary which will be the future centerline of the street.
- Collector Street** means a street that provides for traffic movement between and within neighborhoods and between arterials and local streets and access to abutting property.
- Cul-de-Sac Street** means a street having only one (1) outlet for vehicular traffic, with a turnaround at the closed end which is not intended to be extended or continued to serve future subdivisions or provide access to other adjacent lands.
- Dead-end Street** means a street open at one (1) end only, without permanent provision for turning around, and which may be further extended into adjoining property.
- Local Street** means a street that provides for direct access to abutting property or for low volume local traffic movements and which connects to collector streets.
- Private Street** means any collector or local street in a recorded public easement in which the City reserves the right to install and maintain, or

permit to be installed and maintained, utilities in the rights-of-way, including surface use for refuse collection, but which has been excluded from management, maintenance and liability by the City.

**Private Streetway** means a street or way owned and maintained by an individual or group of individuals providing the right to control access to one (1) or more lots, parcels or divided interests in air rights and which is exempt from management, maintenance and liability responsibilities of the City.

**Public Streetway** means a right-of-way providing access to one (1) or more lots, parcels or divided interests in air rights that has been dedicated to and accepted by the City in conjunction with the City's assumption of associated management, maintenance and liability responsibilities.

290. **Structural Alteration** means any alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls or similar components.

291. **Structure** means the result of arranging materials and parts together, such as buildings, tanks and fences (but not including tents or vehicles) and attaching them to a lot. It shall also mean a mobile home, anything constructed or erected, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which is located on or in the ground or is attached to something having a location on or in the ground, including swimming and wading pools and covered patios. Paved areas, walks, tennis courts and similar outdoor areas and fences or walls three (3) feet or less in height are excepted.

292. **Subdivider** means the individual, firm, corporation, partnership, association, syndication, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with Article 7.0 and the regulations, and statutes of the State. A person serving as agent for such legal entity is not a subdivider, and the subdivider need not be the owner of the property as defined by this regulation. The Council may prepare or have

prepared a plat for the subdivision of land under municipal ownership.

293. **Subdivision** means improved or unimproved land or lands divided for the purpose or financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located on it. Plats of such projects need not show the buildings or the manner in which the buildings or air rights above the property shown on the plat are to be divided.

Subdivision does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
3. The leasing of apartments, offices, stores, or similar space within a building or trailer park, or mineral, oil or gas leases.

294. **Subdivision Design** means street alignment, grades and widths; alignment and widths of easements and rights-of-way for drainage; sanitary sewers, public utilities, streets, roads, pedestrian ways; the arrangement and orientation of lots; locations of buildings; and provision for refuse collection and maintenance easements in condominium developments.

295. **Substantial Improvement** means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" shall occur when the first

- alteration of a wall, ceiling, floor or other structural part of the building begins, whether or not that alteration affects the external dimensions of the structure. The term does not include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, which are necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.
296. **Supermarket** means a market having ten thousand (10,000) square feet or more of floor area devoted principally to the sale of food.
297. **Supervising Engineer** means a professional engineer registered in the State of Arizona to practice in the field of civil and public works and who has been employed by a permittee to design or oversee work controlled by Article 8 of this Code.
298. **Swimming Pool** means any body of water intended for swimming, permanently installed or portable, that contains water over eighteen (18) inches deep and is wider than eight (8) feet at any point. This includes in-ground, above-ground on-grounds pools, hot tubs and spas.
299. **Terrace** means the relatively level step constructed in the face of a graded slope surface (purposes include drainage and maintenance).
300. **(Timeshare) Lock-Out Suite** A portion of a timeshare unit having a separate keyed entrance and used as a separate lodging unit.
301. **Timeshare Conversion**: The conversion into a timeshare project of any real property and the existing structure(s) attached thereto, which did not meet the definition of timeshare project prior to the date of such conversion, including, without limitation, the conversion into a timeshare project of (a) any existing motel, hotel, or apartment building, bed and breakfast, country inn, and temporary lodging facilities, (b) any existing unit or units within an existing condominium or town homes project, or (c) any dwelling unit or units within an existing planned development.
302. **Timeshare Estate** A right of occupancy in a timeshare project which is coupled with an estate in the real property.
303. **Timeshare Interval** A timeshare estate or a timeshare use or a time share period.
304. **Timeshare Project** means a project in which a purchaser receives the right in perpetuity, for life or for a term of years to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.
305. **Timeshare Unit** That unit of real property and time in a timeshare project where possession and use are allowed under a contract from seller to purchaser.
306. **Timeshare Use** Any contractual right of exclusive occupancy created by a timeshare instrument which does not fall within the definition of "Timeshare Estate" (including, without limitation, a vacation license, club membership, general partnership interest, limited partnership interest, vacation bond or beneficial interest in a trust) and the documents by which it is transferred.
307. **Theater** means a building used primarily for the presentation of live stage productions or motion pictures.
308. **Tower element** means a non-habitable visual element that is designed as an integral part of the composition and architectural vernacular of a building or complex of buildings to provide a unique identity, image and visual focus. *(Adopted March 8, 2004)*
309. **Transient** means any person who, either at his own expense or at the expense of another, obtains lodging or the use of any lodging space in any hotel for any period of less than thirty (30) consecutive days.
310. **Travel Trailer** see Recreational Vehicle.
311. **Tree** means any self-supporting, woody plant of a species which grows at maturity to an overall height of a minimum of ten (10) feet, has a single trunk or multiple trunks which are, in combination, four (4) inches in diameter or has a circumference greater than twelve (12) inches at a height of four and one-half (4 ½) feet above natural grade.

312. **Tree Canopy** means the area within the circumference of the dripline of a tree.
313. **Tree Removal** means the partial or complete removal of a tree by digging up, cutting, pushing, pulling down or damaging the tree to permanently alter or destroy it.
314. **Unrelieved Building Plane** means any vertical surface, or the projection to a vertical plane of an inclined or curved surface, or wall of a structure that, when viewed in elevation, incorporates no overhangs, offsets, projections, decks, ramadas, loggias, or similar architectural features that would produce shadow patterns or otherwise serve to visually blend the structure into its natural background. Windows and doors do not in themselves provide relief, but if they project or recede a minimum of twelve (12) inches on single-family residential buildings or structures only, they may be considered as providing visual relief. *(Adopted March 8, 2004)*
315. **Use** means the purpose for which land or a building is arranged, designed, intended, occupied or maintained.
316. **Use, Accessory** see Accessory Use.
317. **Use, Change of** means the change within the classified use of a structure or premise.
318. **Use, Nonconforming** see Nonconforming Use.
319. **Use, Permitted** means a use allowed in a district because it is listed among the "Permitted Uses" in the district.
320. **Use, Private** means a use restricted to the occupants of a lot or building and their guests, where compensation is not received and where no commercial activity is associated with the use.
321. **Use, Public** means a use, or building, located on public land to serve public benefits but not necessarily available to public admission, including, but not limited to utility substation and flood control structures.
322. **Use, Semi-Public** means a use or building located on private land to serve public benefits and permitted as a use in the CF zoning designation.
323. **Use, Temporary** means a use that is authorized by this Code to be conducted for a fixed period of time. Temporary uses include activities such as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets and garage sales.
324. **Useable Lot Area** means a portion of a lot useable for or adaptable to uses permitted in this Code but not in any way required to be used for these purposes only.
325. **Utility** means installations or facilities, underground or overhead, furnished for the use of the public, including, but not limited to electricity, gas, steam, communications, water, television, cable, sewage disposal, water or sewer treatment, effluent treatment or disposal, owned or operated by any person, firm, corporation, municipal department or board authorized by state or municipal regulations. Utility shall mean any person or business providing service to the public through the use of lines, pipes or other distribution systems. Installations or facilities include, but are not limited to, treatment facilities, transportation pipelines, distribution centers and storage facilities.
326. **Variance** means an adjustment made in the application of a specific regulation of this Code to a particular property or development, providing that the adjustment differs by more than twenty five percent (25%) from a specific regulation. A variance may be granted in order to remedy a disparity in privileges resulting from special circumstances applicable to a particular property or development that deprive it of privileges commonly enjoyed by other properties in the same vicinity and zoning district.
327. **Vehicle** means a device in, upon or by which any person or property is or may be transported or drawn upon a public street or highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.
328. **Vicinity Map** means a map, chart or diagram showing the geographical location of a proposed development in relationship to the surrounding area as indicated by streets, highways and other physical features.
329. **Warehouse** means a building or portion of it used for the commercial storage of goods or merchandise for eventual distribution and where

no retail or wholesale operations are conducted at the site.

330. **Warehousing** means the use of a building or buildings for the storage of goods of any type, when the building or buildings contain more than five hundred (500) square feet of storage space and where no retail operation is conducted.
331. **Watercourse or Drainageway** means a creek, stream, brook, wash, arroyo, channel or other topographic feature through which water flows intermittently or perennially. The term may include specifically designated areas in which substantial flood damage may occur.
332. **Wholesaling** means the selling of any type of goods or materials for the purpose of resale.
333. **Wireless Communication Facilities** This definition includes the following terms and definitions:

**Ancillary Structures** means forms of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy wire anchors, generators, and transmission cable supports; however, specifically excluding equipment enclosures.

**Antenna** means any apparatus designed for the transmitting and/or receiving of electromagnetic waves that includes but is not limited to telephonic, radio or television communications. Types of antennae include, but are not limited to: omni-directional (whip) antennae, sectorized (panel) antennae, multi or single bay (FM & TV), yagi, or parabolic (dish) antennae.

**Antenna Array** means a single or group of antennae and their associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support.

**Antenna-Supporting Structure** means a vertical projection composed of metal, wood, or other substance with or without a foundation that is for the express purpose of accommodating antennae at a desired height above grade.

**Antenna Supporting Structure Height** means

the distance from the finished grade of the parcel to the highest point on the tower and attached antenna (e) and antenna arrays, including the base pad.

**Attached Wireless Communication Facility** means an antenna or antenna array that is attached to an existing building with any accompanying pole or device which attaches it to the building, transmission cables, and an equipment enclosure, which may be located either inside or outside of the existing building.

**Breakpoint Technology** means the engineering design of a monopole wherein a specified point on the monopole is designed to have stresses at least 5% greater than any other point along the monopole, including the anchor bolts and base plate, so that in the event of a weather induced failure of the monopole, the failure will occur at the breakpoint rather than at the base plate or any other point on the monopole.

**Collocation** means a situation in which two or more different wireless communication service providers place wireless communication antenna or antennae on a common antenna-supporting structure. The term collocation shall not be applied to a situation where two or more wireless communications service providers independently place equipment on an existing building.

**Commercial Use** means a wireless communications facility providing service to one or more persons or businesses for the purpose of commerce.

**Development Area** means the area occupied by a wireless communications facility including areas inside or under the following: an antenna-supporting structure's framework, equipment enclosures, ancillary structures, and access ways.

**Equipment Enclosure** means any structure above the base flood elevation including: cabinets, shelters (pre-fabricated or otherwise), pedestals, and other similar structures. Equipment enclosures are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals and not for the storage of equipment nor as habitable space

**Essential Public Communications Service** means any communications service(s) deemed necessary to maintain the health and welfare of the community, including, but not limited to, police, fire, and public works communications services.

**Existing Wireless Communication Facility** means a tower, antennae or wireless communication facility in active use and for which a building permit has been properly issued and has not expired before the effective date of this ordinance.

**FAA** means the Federal Aviation Administration.

**FCC** means the Federal Communications Commission.

**Guyed** means a style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

**Geographic Search Area** means an area designated by a wireless provider or operator for a new base station facility, produced in accordance with generally accepted principles of wireless engineering.

**Handoff Candidate** means a wireless facility that receives call handoffs from another particular wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

**Height**\_(of Antenna-supporting Structures) – shall mean the linear distance from the ground to the highest physical point on the antenna-supporting structure, including all antennae and antennae arrays.

**Lattice** means a style of antenna-supporting structure that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennae.

**Monopole** means a style of freestanding antenna-supporting structure that is composed of

a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna-supporting structure is designed to support itself without the use of guy wires or other stabilization devices. These structures are mounted to a foundation that rests on or in the ground or on a building's roof.

**Personal Wireless Service** means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

**Public Antenna-Supporting Structure** means an antenna-supporting structure, appurtenances, equipment enclosures, and all associated ancillary structures used by a public body or public utility for the purposes of transmission and/or reception of wireless communication signals associated with but not limited to: public education, parks and recreation, fire and police protection, public works, and general government.

**Radio Frequency Emissions** means any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna-supporting structure, building, or other vertical projection

**Related Communications Equipment** means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, power lines, cable, conduit and connectors.

**Replacement** means the construction of a new antenna-supporting structure built to replace an existing antenna-supporting structure.

**Satellite Earth Station** means a single or group of satellite parabolic (or dish) antennae. These dishes are mounted to a supporting device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment enclosures necessary for the transmission or reception of wireless communications signals with satellites.

**State of the Art** as used herein shall mean existing technology where the level of facilities, technical performance, capacity, equipment, components and service are equal to that developed and demonstrated to be more technologically advanced than generally available for comparable service in the State of Arizona (type accepted by the FCC).

**Stealth Wireless Communications Facility** means a wireless communications facility, ancillary structure, or equipment enclosure that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed uses on a site. A stealth facility may have a secondary function, including, but not limited to the following: church steeple, bell tower, spire, clock tower, cupola, light standard, utility pole, flagpole with a flag, building parapet, or tree).

**Wireless Communications** means through the air transmission and/or reception of voice, data, music, and/or video signals any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

**Wireless Communication Facility\_(WCF)** means any staffed or unstaffed facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennae, transmission cables, and equipment enclosures, and may include an antenna-supporting structure. The following developments shall be considered as a Wireless Communication Facility: developments containing new or existing antenna-supporting structures, public antenna-supporting structures, replacement antenna-supporting structures, collocations on existing antenna-supporting structures, attached wireless communications facilities, stealth wireless communication facilities, and satellite earth stations. The term includes, but is not limited to: radio and television transmission towers, microwave towers, common-carrier towers, paging towers, cellular and PCS telephone communications towers, and alternative towers structures, which are constructed for commercial or business use.

Structures supporting only non-commercial, non-business radio antennae, such as television and satellite reception antennae or amateur radio antennae, are exempted from this definition.

334. **Yard** means a required space of uniform width adjacent to the perimeter of a lot, the interior boundary of which is measured as a minimum horizontal distance from a lot boundary, or future width line as the required setback of a principal structure and which is unoccupied and unobstructed by improvements from the ground to the sky except for the projections permitted by this Code (also see Figures after "Lot").
335. **Yard, Front** means a space between the front yard setback line and the front lot line or future street line, extending the full width of the lot.
336. **Yard, Rear** means a space between the rear yard setback line and the rear lot line, extending the full width of the lot.
337. **Yard, Side** means a space extending from the front yard, or from the front lot line where no front yard is required by this Code, to the rear yard or rear lot line, between a side lot line and the side yard setback line. A side yard abutting a side street shall be an exterior side yard. A side yard abutting a common side boundary shall be an interior side yard (see Figure 2.22).

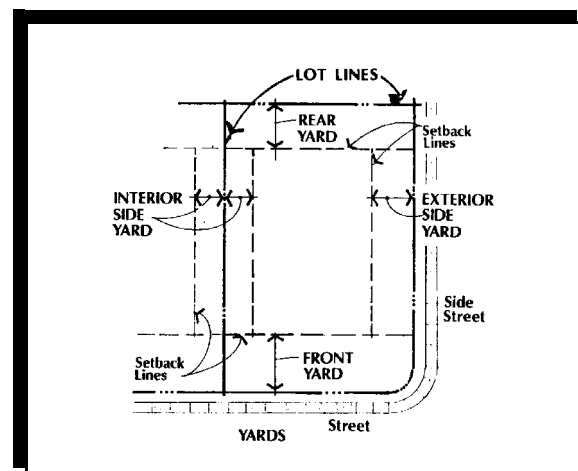
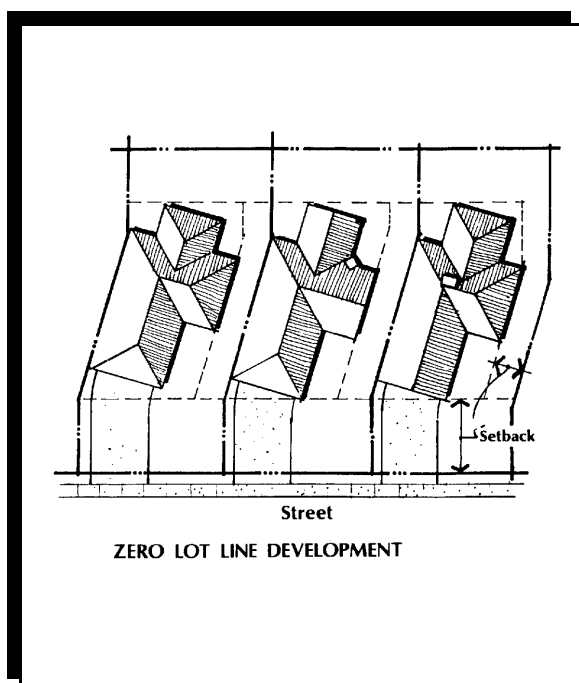


Figure 2.22

338. **Zero Lot Line Development** means single-family dwellings arranged on individual lots as detached structures with one (1) or more side walls on a side property line (see Figure 2.23).



*Figure 2.23*

339. **Zoning District** means a classification established by this Code which limits or permits various and specific uses.
340. **Zoning Administrator** means the Director of the Department of Community Development.
341. **Zoning Map Amendment** see Rezoning.